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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,193	08/20/2003	Prakasa Alim	10290.00003	5714
22908	7590	09/30/2005	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			GROSSO, HARRY A	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,193

Applicant(s)

ALIM, PRAKASA

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Newly submitted claims 11-16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 1-3 and 6-10, drawn to a cooking utensil, classified in class 220, subclass 573.3.
- II. Claims 11-16, drawn to a method of manufacturing, classified in class 29, subclass 592+.

Inventions of Group II and Group I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the cooking utensil can be made by forming the individual shells and bonding them together.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-16 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulam in view of Bhagat, both of record.

Regarding claims 1-3, 6, 7 and 10, Ulam discloses a cooking utensil with an annular wall and a horizontal portion (Figure 1) comprising a first layer of stainless steel (40, Figure 8, column 3, line 8), a second layer of aluminum and steel (20, 31', Figure 8 and column 3, lines 6-7) and a third layer of stainless steel (21, Figure 8 and column 3, line 1), with the layers extending continuously along an annular wall and a horizontal portion of the utensil (column 2, lines 52-54) formed from roll bonded layers of metal. However, Ulam does not teach the use of a plurality of perforations in the third layer through which some of the second layer extends. Bhagat discloses a cooking utensil with a first (inner) layer, a second aluminum layer and a third (outer) stainless steel layer and Bhagat further discloses that it is known in the art to make perforations in an outer stainless steel plate to allow the aluminum to extend through the plate (Figure 1, column 1, lines 16-18), using elliptical or round perforations (column 2, lines 4-8 and 34) thus improving the thermal conductivity of the base of the utensil. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of perforations in an outer stainless steel plate to allow the

aluminum to extend through the plate using elliptical or round perforations as disclosed by Bhagat in the utensil disclosed by Ulam to improve the thermal conductivity of the base of the utensil.

Regarding claim 9, Ulam discloses the cooking utensil of claim 6 and further discloses a cooking utensil comprising a first layer of stainless steel (40, Figure 7, column 3, lines 57-60), a second layer of aluminum and steel (20, 31', Figure 7 and column 3, lines 57-60) and a third layer of copper (21', Figure 7 and column 3, lines 57-60), with the layers extending continuously along an annular wall and a horizontal portion of the utensil (column 2, lines 52-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of copper in the third layer as disclosed by Ulam to take advantage of the improved thermal conductivity of copper.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulam. Ulam discloses a cooking utensil having a first layer of stainless steel, a second layer of aluminum and a third layer of copper, as discussed in the preceding paragraph, showing the combination of these metals for a cooking utensil is known in the art. Therefore, it would have been an obvious design choice to invert the order of the layers to produce the cooking utensil with a copper first layer, an aluminum second layer and a stainless steel third layer.

Response to Arguments

4. Applicant's arguments filed July 19, 2005 have been fully considered but they are not persuasive.

Art Unit: 3727

Applicant argues that Ulam does not teach the use of layers having perforations through which another layer may extend and Bhagat does not disclose a cooking utensil with the second and third layers extending along the horizontal surface and along the annular vertical walls of the utensil. Applicant argues that neither Ulam nor Bhagat discloses all of the limitations of the invention and there is no motivation to combine them. In response, Ulam discloses the structural limitations of the invention as they relate to the utensil having first, second and third layers extending along the horizontal and annular vertical walls. Bhagat is used as a teaching for the use of perforations in the outer layer of the structure. Bhagat discloses that it is known in the art to use perforations to allow an aluminum inner layer to be flush with the surface of the stainless steel outer layer to improve the thermal conductivity of the utensil, which is the same result the applicant would gain, by use of the perforations. One of ordinary skill in the art would know to use a concept known in the art, the perforations, to improve the thermal conductivity of the invention.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone

Art Unit: 3727

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen K. Cronin
Primary Examiner



Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

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